

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 3012 – HB 3125

April 20, 2010

SUMMARY OF AMENDMENTS (015389, 017529): Amendment 015389 deletes all language after the enacting clause. Expands the existing Class A misdemeanor for possession of a handgun while under the influence of alcohol or any controlled substance to include a person possessing a firearm if the person is both in an establishment open to the public where liquor, wine, or other alcoholic beverages are served for consumption on the premises and the person is consuming any such alcoholic beverage. Creates a Class B misdemeanor, punishable by fine only of \$500, for a person to possess a weapon in a building or on property that is properly posted with a handgun restriction notice. Effective September 1, 2010, a component of the classroom portion of all Department of Safety approved handgun courses shall be instruction on alcohol and drugs, the effects of those substances on a person's reflexes, the judgment and ability to safely handle a firearm, and the provisions of Tenn. Code Ann. § 39-17-1321. Deletes the Class C misdemeanor offense for a person, licensed to sell wine or other alcoholic beverages for on the premises consumption, to post a handgun sign at least six inches high and fourteen inches wide pursuant to Tenn. Code Ann. §§ 57-4-203 and 57-3-204.

Amendment 017529 deletes subsections (a), (b), and (c) of the bill as amended. Authorizes an individual, corporation, business entity or local, state or federal government entity to prohibit the possession of a weapon by any person who is at a meeting conducted by, or on property owned, operated, or managed or under the control of the individual, corporation, business entity or government entity. Requires an individual, corporation, business entity or local, state or federal government entity that operates or manages an establishment that is open to the public, serves alcohol or beer, and derives less than 50 percent of its gross annual revenue from the sale of food, to be determined based on the prior calendar year of operation, to prohibit the possession of weapons by any person who is in the confines of the establishment. If an establishment has not been in existence or sold food for an entire year, the 50 percent shall be determined by the initial partial calendar year in which the establishment has been in existence.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue – Not Significant
Increase State Expenditures – Not Significant

Increase Local Revenue - \$11,000
Increase Local Expenditures - \$4,200*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Increase State Revenue – Not Significant
Increase State Expenditures – Not Significant

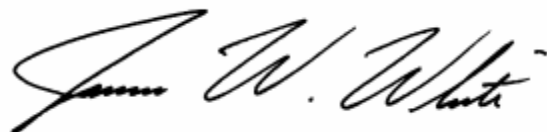
Increase Local Revenue – Not Significant
Increase Local Expenditures – Not Significant

Assumptions applied to amendments:

- There will not be a sufficient additional number of prosecutions for state or local governments to experience any significant increase in revenue or expenditures.
- Requiring handgun safety courses to have a component of classroom instruction on alcohol and drugs applicable to laws regarding firearms will have a not significant impact on the Department of Safety.
- Deleting the Class C misdemeanor offense for a licensed alcohol seller to post certain signs will result in a slight decrease in the number of violations. Such decrease is estimated to be not significant.
- Any cost can be accommodated within existing state and local resources without an increased appropriation or reduced reversion.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with a large initial "J" and a distinct "W".

James W. White, Executive Director

/lsc